

Regular Session, 2010

HOUSE BILL NO. 560

BY REPRESENTATIVE POPE

PROPERTY: Provides relative to the enforcement of privileges and liens granted in favor of a parish or municipality for costs incurred in the demolition, removal, repair, or maintenance of condemned property

1 AN ACT

2 To amend and reenact R.S. 33:4766(E)(1), relative to the condemnation of dilapidated and
3 dangerous structures; to provide relative to the enforcement of privileges and liens
4 granted in favor of a parish or municipality for the costs incurred in the demolition,
5 removal, repair, or maintenance of any such structure; to authorize a parish and
6 municipality seeking to enforce a privilege or lien as a tax against immovable
7 property to submit the attested bills for such costs to the tax assessor of the parish in
8 which the property is located as an alternative to submitting any such bill to the
9 director of administration; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:4766(E)(1) is hereby amended and reenacted to read as follows:

12 §4766. Lien and privilege for cost of demolition, removal, and maintenance by
13 parish or municipality; interest; attorney fees

14 * * *

15 E.(1) The privilege and lien shall be enforced by ordinary process in the
16 district court having jurisdiction of the immovable within three years after it is
17 perfected. Alternatively, the privilege and lien may be enforced by assessing the
18 amount of the privilege and lien against the immovable as a tax against the
19 immovable, to be enforced and collected as any ordinary property tax lien to be

Present law provides for a privilege and lien on the property in favor of the parish or municipality for the cost of demolition, removal, repair, and maintenance. Provides the procedures for the enforcement of the lien and privilege through ordinary process, as a cause of action against the owner personally, or as a tax against the immovable to be enforced and collected as any ordinary property tax lien.

Proposed law retains present law.

Present law provides that if the parish or municipality seeks to enforce the lien or privilege as a tax against the immovable, then the parish president, police jury, mayor, or any director of any community development department of the parish or municipality may send an attested bill of the costs and expenses which constitute the lien and privilege to the director of administration. Requires the director of administration to add the amount of the bill to the next tax bill of the owner. Provides that the lien shall include all costs, interest, and attorney fees and provides the procedures for appointing an attorney to represent an absentee, minor, or interdict.

Proposed law retains present law but additionally authorizes the parish president, police jury, mayor, or any director of any community development department of the parish or municipality to send an attested bill of the costs and expenses which constitute the lien and privilege to the tax assessor of the parish in which the property is located. Requires the tax assessor to add the amount of the bill to the next tax bill of the owner.

Effective July 1, 2010.

(Amends R.S. 33:4766(E)(1))